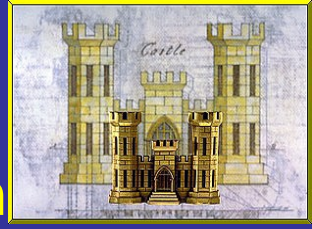
roud History....

Exciting Future

Environmental Conflict Resolution (ECR)

Participation, Partnering, Consensus Building and Dispute Management

Historical Context



- **1970s Public Involvement – Public Participa Primarily CW**
  - **USACE is USG Leader in PI – collaborates with white House to create Interagency council on PI**
  - **USACE Training sets USG standard**
  - **Reduced PI focus in favor of cost sharing as Planning emphasis decreases**
- **1980s- 1990s Alternative Dispute Resolution (ADR) – Primarily Mil (Little CW)**
  - **Achieved 50% /yr. reduction in Claims = $500 million/yr**
  - **USACE Training sets USG standard**
  - **Hammer Award presented by VP Gore**
  - **3 Months USACE cancels Program**
- **1990s Partnering – Primarily Construction/Mil (Little CW)**
  - **Corps Partners with AGC to create a national movement in construction industry**
  - **Formal program dropped with ADR**
- **Late 1990s – New convergence ECR & Collaboration**

ECR reporting requirement

- **ASA-CW decided to submit its report separately (as well as part of DoD).**
- **OMB/CEQ Requirement highlighted the need for a focal point for ECR & Public Participation Activities**

The Capacity to Integrate the Water Uses among the USACE Business Programs Systematically in River Basins/Watersheds will Depend on Collaboration

Two of the 4 Key Corps Principles of IWRM which the Corps seeks to adopt, are collaboration

- ***Balance Across Multiple Uses or Functions***

…….The objective is to seek greater balance across objectives. Interdisciplinary views and collaboration become germane to identifying how best to achieve multiple objectives.

- ***Collaborative Approach.***

…… Collaboration can involve several Federal agencies (e.g., Environmental Protection Agency, U.S. Fish and Wildlife Service, Natural Resources Conservation Service, Bureau of Reclamation, U. S. Geological Survey, and land management agencies), State and local agencies, the private sector, and interest groups and can take many forms.

USACE Environmental Operating Principles
Strive to Achieve Environmental Sustainability. An environment maintained in a healthy, diverse and sustainable condition is necessary to support life.
Consider Environmental Consequences. Recognize the interdependence of life and the physical environment. Proactively consider environmental consequences of Corps programs and act accordingly in all appropriate circumstances.
Seek Balance and Synergy among human development activities and natural systems by designing economic and environmental solutions that support and reinforce one another.
Accept Responsibility. Continue to accept corporate responsibility and accountability under the law for activities and decisions under our control that impact human health and welfare and the continued viability of natural systems.
Mitigate Impacts. Seeks ways and means to assess and mitigate cumulative impacts to the environment; bring systems approaches to the full life cycle of our processes and work.
Understand the Environment. Build and share an integrated scientific, economic, and social knowledge base that supports a greater understanding of the environment and impacts of our work.
Respect Other Views. Respect views of individuals and groups interested in Corps activities, actively listen, and learn from their perspective in the search to find innovative win-win solutions to the nation's problems, solutions that also protect and enhance the environment.

llaborative

The Corps Watershed Approach Contains 9 Methods of which at least 4 are directly Dependent on collaboration

Coordinating planning and management.

Promoting cooperation among government agencies at all levels.

Encouraging public participation.

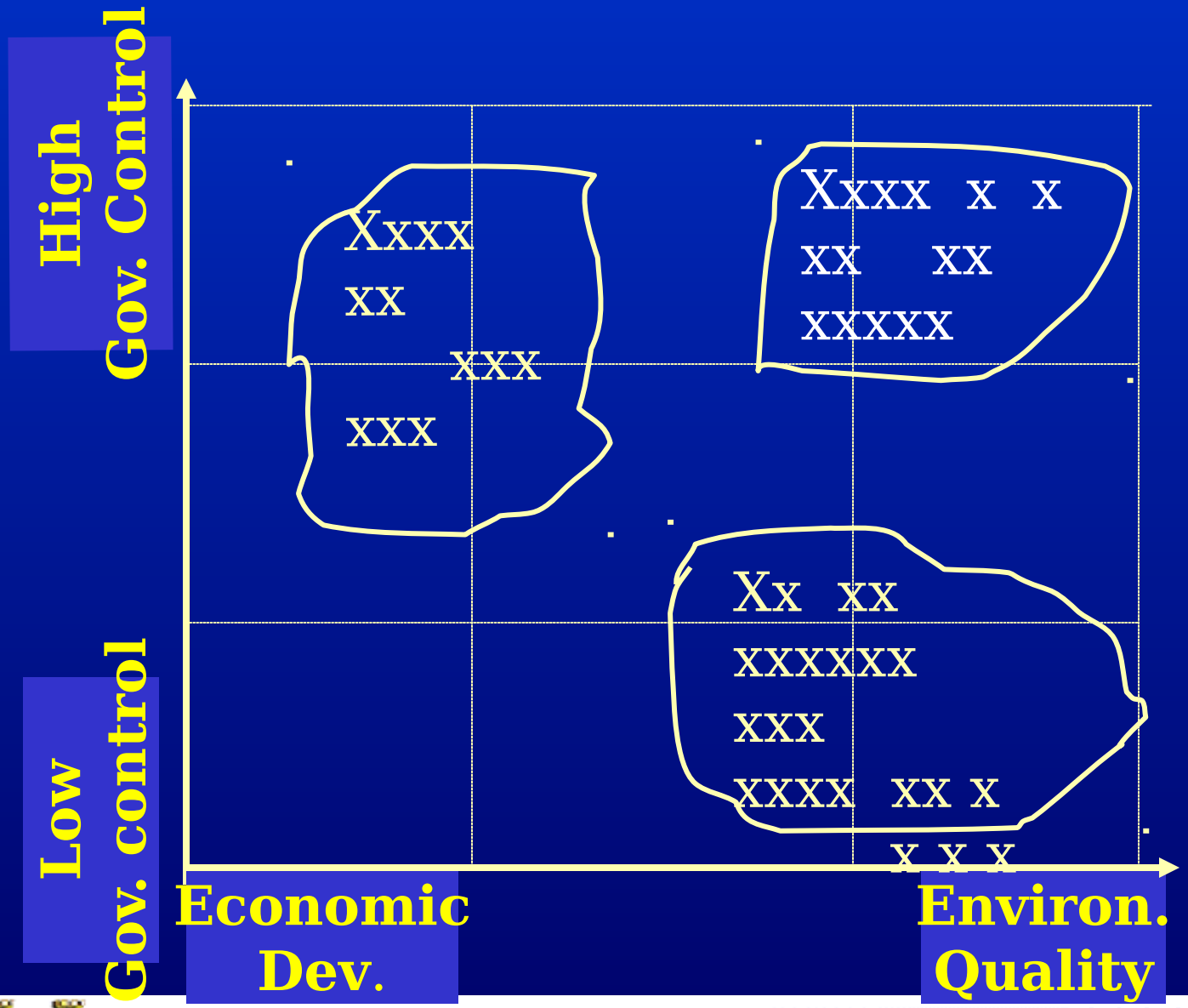
Establishing interdisciplinary teams.

The Capacity to Integrate the Water Uses among the USACE Business Programs Systematically in River Basins/Watersheds will Depend on

y Collaborative/ECR Capacity in The Co
Dealing with Values

- **When agencies are confused about the difference between technical and values choices, stakeholders often begin to second-guess the agency technically**
- **Most larger decisions made by agencies aren't really technical decisions, but values choices, informed by technical information**
- **Agencies still have to make decisions that involve values choices; but values choices are prime candidates for ECR and participation**
- **Stakeholders view decisions about values as "political;" Technical training doesn't make us more qualified than others to decide what's good for society**
- **When there are big values differences, the other side will always appear "over-emotional" and "irrationa**

Developing Value Based Alternatives



A MULTI-DIMENSIONAL VALUES MATRIX

WHAT IS THE PUBLIC WELFARE?

ENVIRONMENTAL PROTECTION	INDIVIDUAL FREEDOM		GOVERNMENT ACTION
	Environmental protection is most important - achieved by individual/private action	Environmental protection is most important – best achieved by a mix of individual action and government action	Environmental protection is most important – best achieved by government action
	Environment and economics equally important – best achieved through individual initiative	Environment and economics equally important – but it requires both individual initiative and government action	Environment and economics equally important – but best achieved by government action
ECONOMIC DEVELOPMENT	Economic development is most important – best achieved by individual/ private action	Economic development is most important – best achieved by a mix of individual action and government action	Economic development is most important – best achieved by government

HOW IT IS BEST ACHEIVED

Conflict Resolution & Public Participation USACE

US Army Corps of Engineers ®
Walla Walla District

Public Involvement

YEAR	NUMBER OF PROGRAMS	TOTAL AUDIENCE
1995	4	130
1997	18	773
1998	55	11,699
1999	86	8,656
2000	53	17,436
2001	12	335
2002	8	215
Totals	**236**	**39,244**

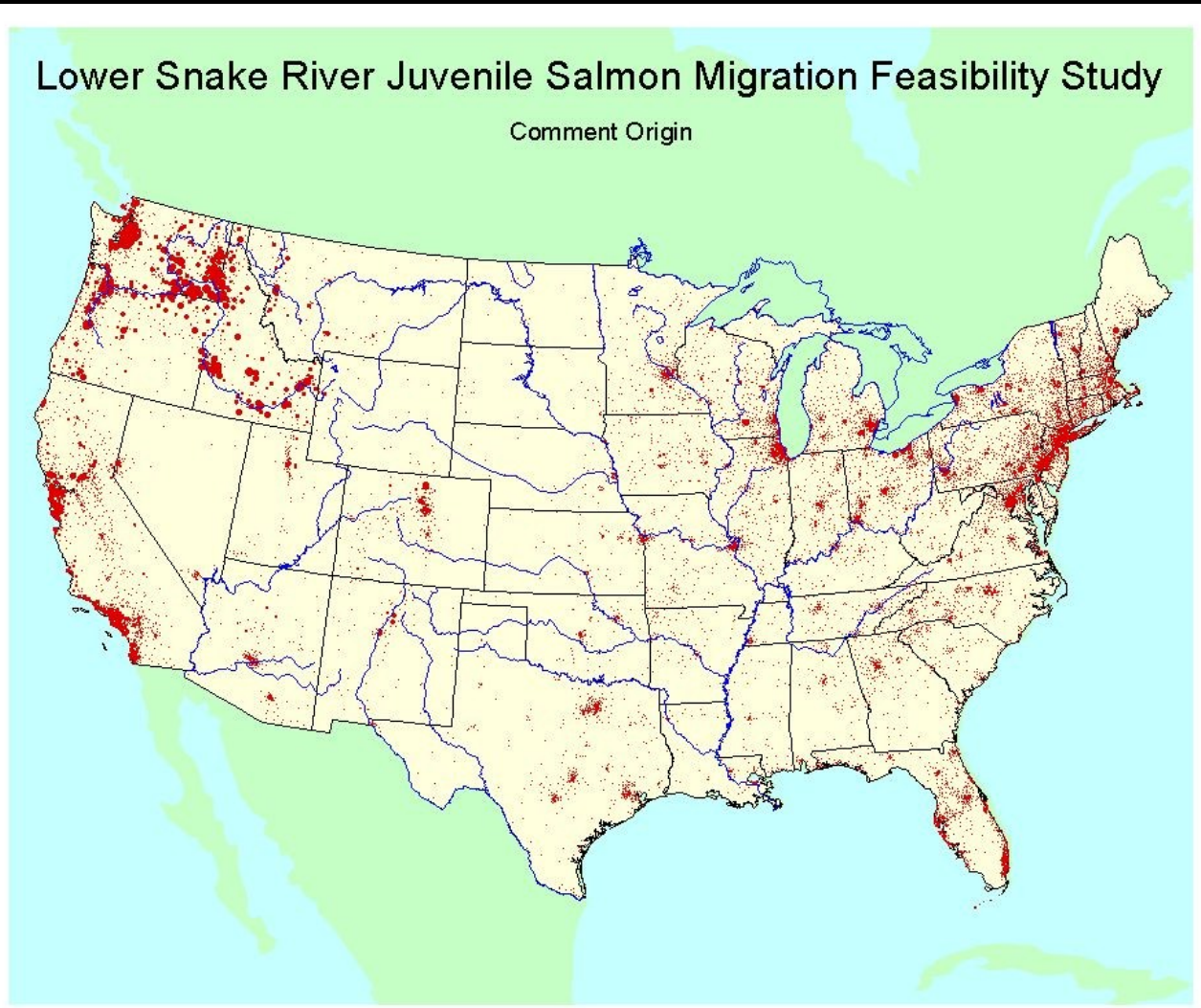
US Army Corps of Engineers ®
Walla Walla District

Public Comment Process

After DEIS – 230,000 com

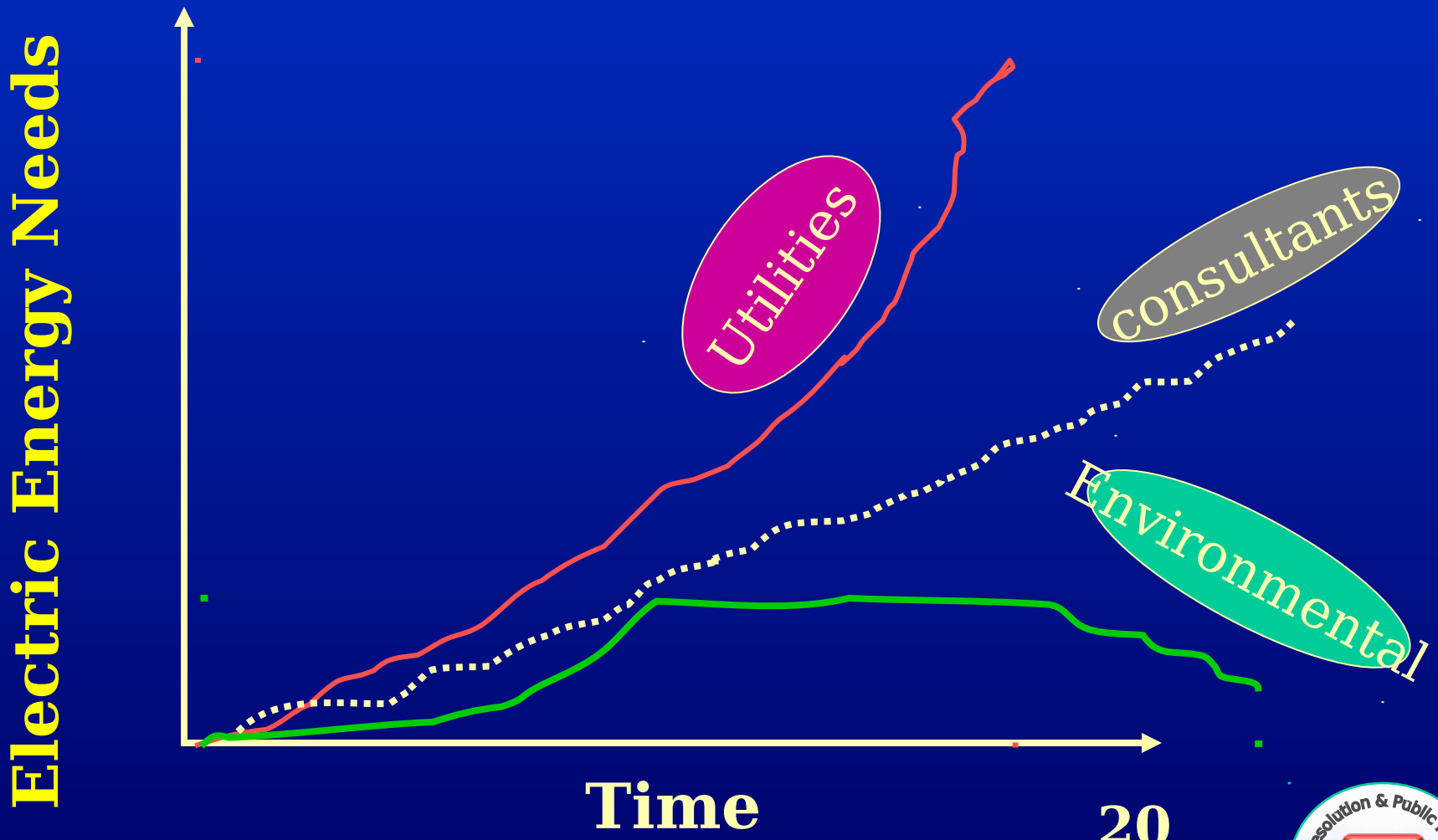
US Army Corps of Engineers ®
Walla Walla District

Public Comment Process

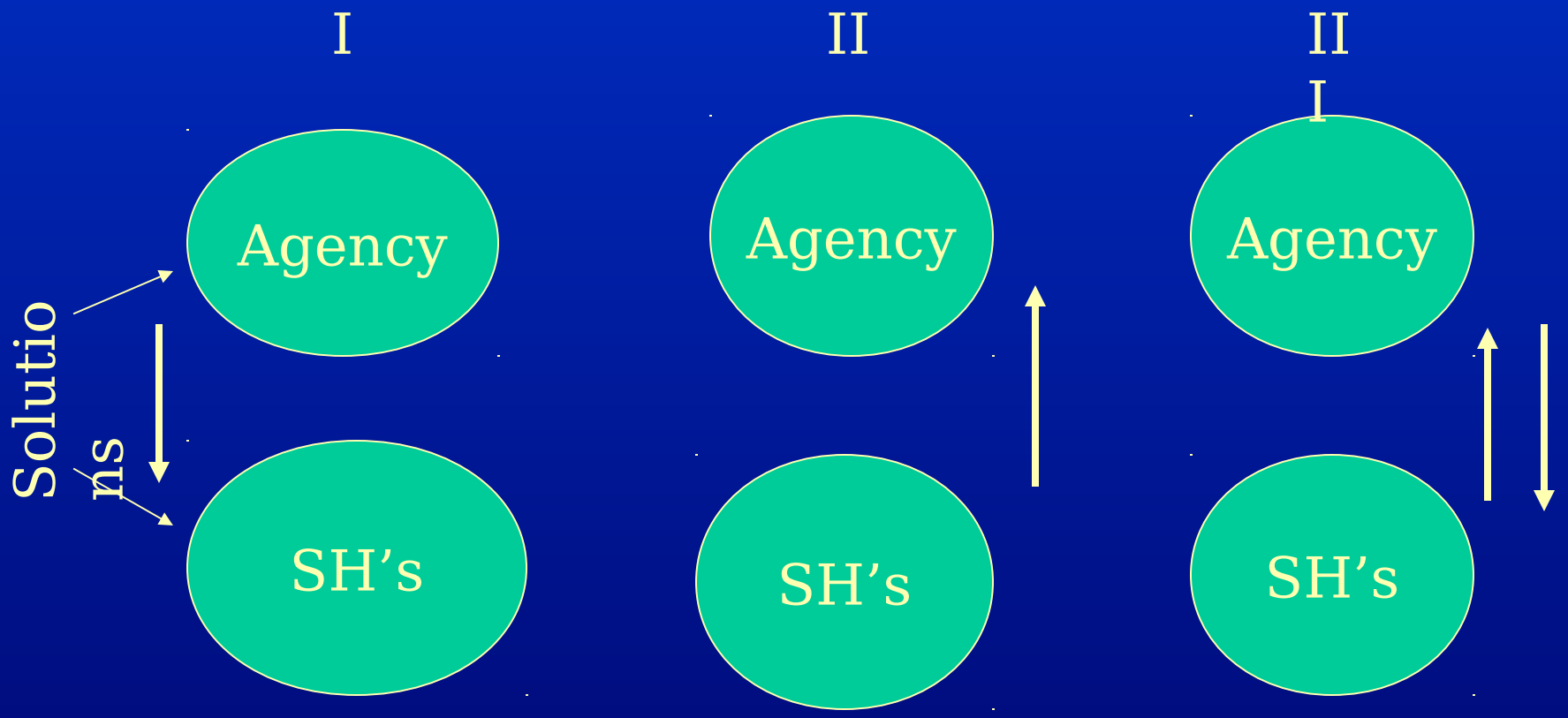


Interest Values Go Beyond Geography

Values and Data in Projections



Defining Role of Participation in Decisions



I. Problem → Decision → Impl./Goals

III. Problem → Decision → Impl./Goals

Match Techniques to Intended Level of

A Continuum of Alternative Dispute Resolution Techniques

(from Delli Priscoli and Moore, 1985

HOT TUB

WAR

Unassisted | **Assisted** | **Third Party Decision Making**

A

B

- Conciliation
- Information exchange meetings
- Cooperative collaborative Problem solving
- Negotiations

Relationship Building Asst

- Counseling/therapy
- Conciliation
- Team building
- Informal social activities

Procedural Assistance

- Coaching-consultation
- Training
- Facilitation
- Mediation

Substantive Assistance

- Mini-trial
- Technical advisory boards
- Dispute Panels
- Advisory Mediation
- Fact Finding
- Settlement Conference

Advisory Non-binding Assistance

- Non binding arbitration
- Summary Jury trial

Binding Assistance

- Binding arbitration
- Med-Arb
- Dispute Pane (binding)
- Private Cour
- Judging

DRIVING PHILOSOPHY Behind ECR and Process approaches

Process as a means to improving way we make decisions

Process as a way to help us deal with changing mission

Process as a means to build capacity of the Corps

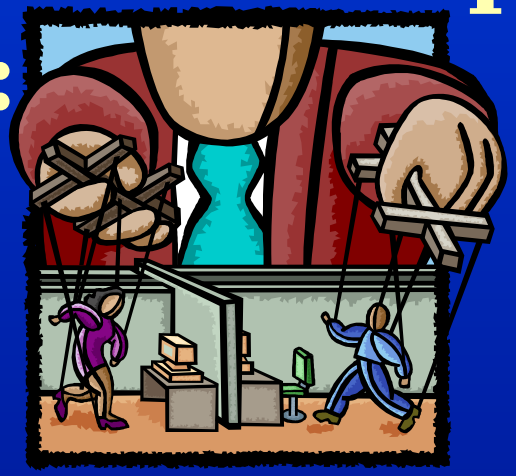
Process as a means for Externally helping us changed public images:

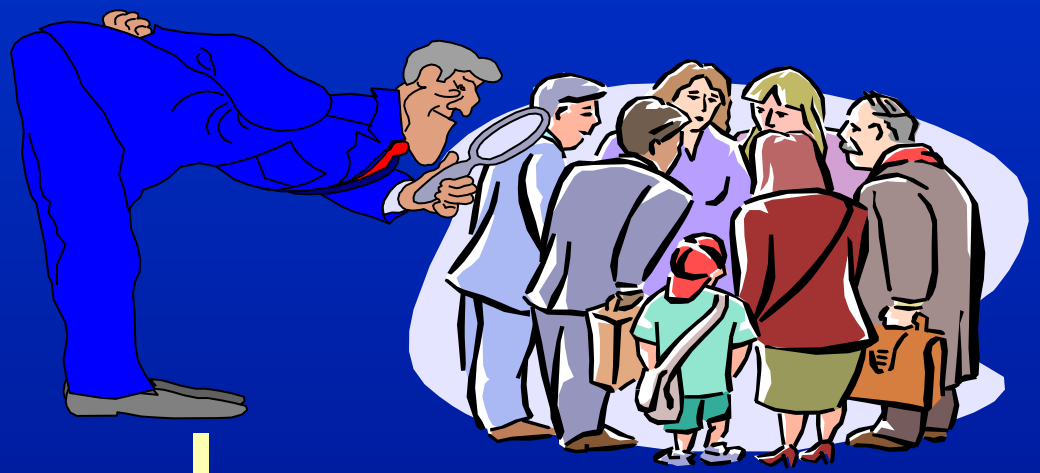
in key areas of collaboration skills

From → To → To get back to

From Manipulator or Stand off obse

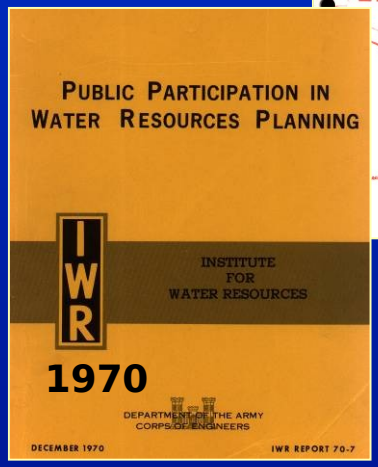
of:

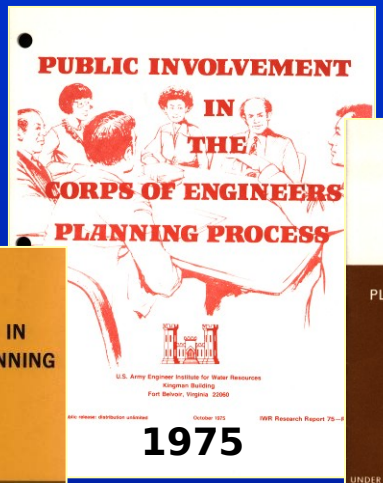


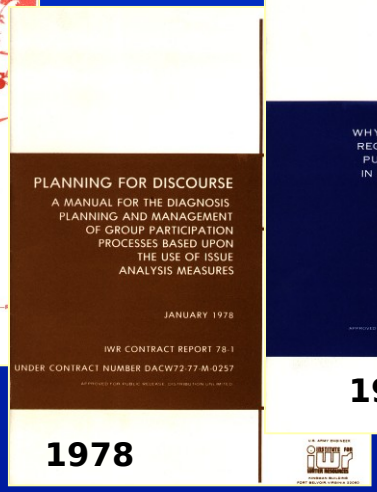


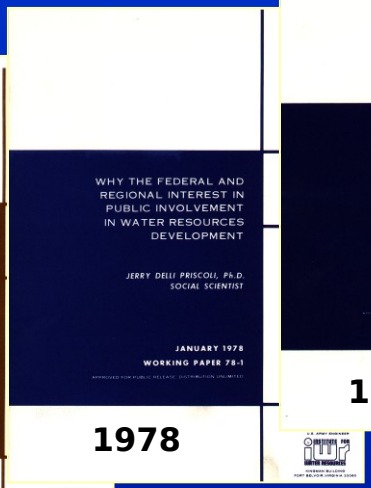
To participant with and part of:

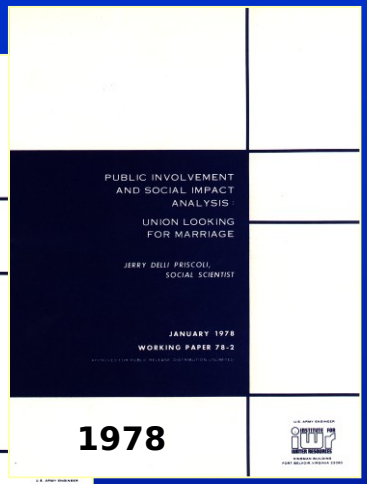
Conflict Resolution & Public Participation
USACE

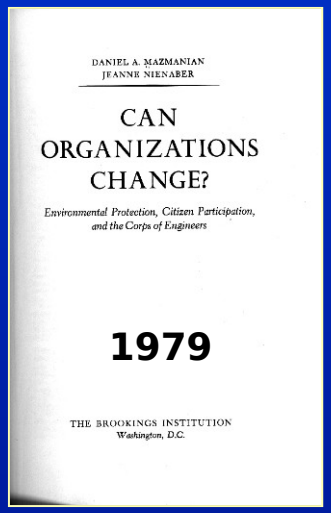




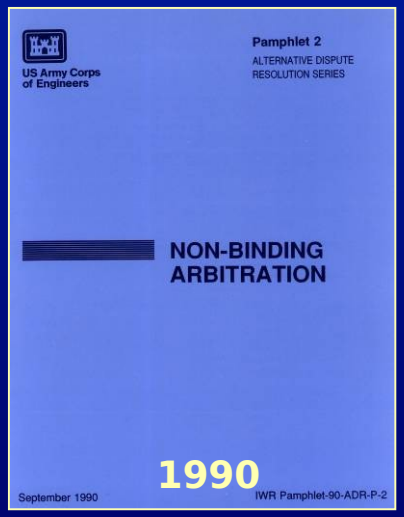

PLANNING FOR DISCOURSE
A MANUAL FOR THE DIAGNOSIS PLANNING AND MANAGEMENT OF GROUP PARTICIPATION PROCESSES BASED UPON THE USE OF ISSUE ANALYSIS MEASURES
JANUARY 1978
IWR CONTRACT REPORT 78-1
UNDER CONTRACT NUMBER DACW72-77-M-0257
1978

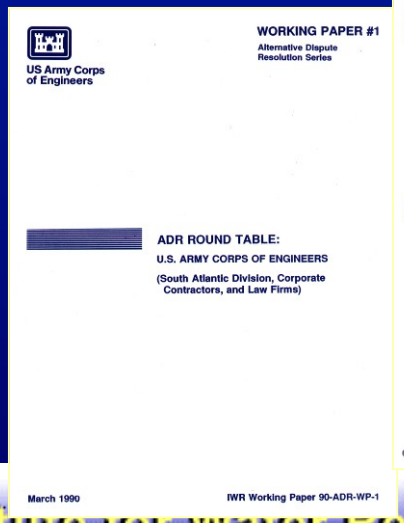

WHY THE FEDERAL AND REGIONAL INTEREST IN PUBLIC INVOLVEMENT IN WATER RESOURCES DEVELOPMENT
JERRY DELLI PRISCOLI, Ph.D.
SOCIAL SCIENTIST
JANUARY 1978
WORKING PAPER 78-1
1978

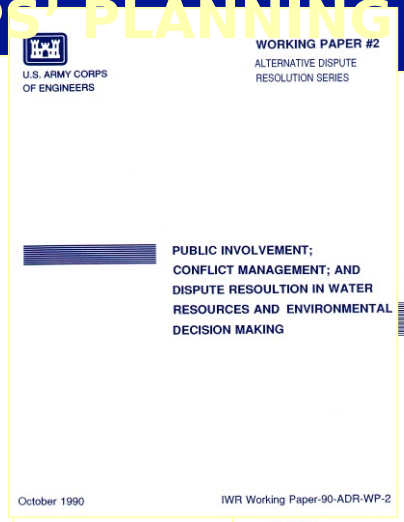


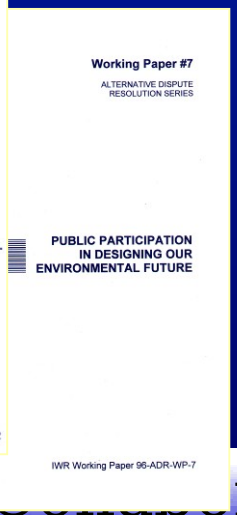


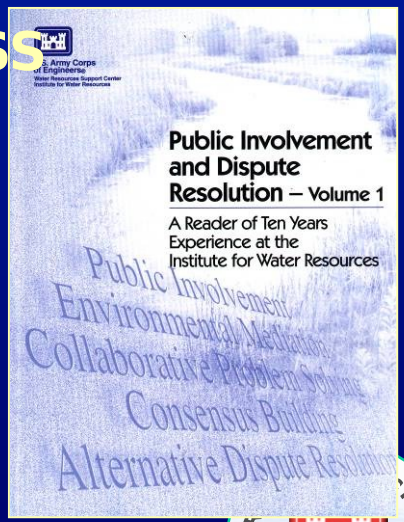
EVOLUTION OF PUBLIC PARTICIPATION/ADR IN THE CORPS' PLANNING PROCESS




US Army Corps of Engineers
WORKING PAPER #1
Alternative Dispute Resolution Series
ADR ROUND TABLE:
U.S. ARMY CORPS OF ENGINEERS
(South Atlantic Division, Corporate Contractors, and Law Firms)
March 1990
IWR Working Paper 90-ADR-WP-1


U.S. ARMY CORPS OF ENGINEERS
WORKING PAPER #2
ALTERNATIVE DISPUTE RESOLUTION SERIES
PUBLIC INVOLVEMENT; CONFLICT MANAGEMENT; AND DISPUTE RESOULTION IN WATER RESOURCES AND ENVIRONMENTAL DECISION MAKING
October 1990
IWR Working Paper-90-ADR-WP-2


Working Paper #7
ALTERNATIVE DISPUTE RESOLUTION SERIES
PUBLIC PARTICIPATION IN DESIGNING OUR ENVIRONMENTAL FUTURE
MAY 1996
IWR Working Paper 96-ADR-WP-7


Public Involvement and Dispute Resolution – Volume 1
A Reader of Ten Years Experience at the Institute for Water Resources
1996

Current History 2005 -- Two IWR Studies

Comparative Assessments of Collaborative Planning Approaches Across the Corps and other Federal Agencies

Case Studies in Collaborative Planning: Lessons from the practicing community across Corps missions and geographic regions.

Assessment of USACE Collaborative Capacity Corps Wide Workshops

CPC Center

Current History 2002 ---

TRAINING:
PUBLIC INVOLVEMENT & TEAMING IN PLANNING (PITIP)

US Army Corps of

Ins ve

Conflict Resolution & Public Participation
USACE

Shared Vision Planning Developed and Advanced at IWR

- **Five Pilots in the National Drought study (1994)**
- **ACT-ACF (Tri-state Water War) late 1990s**
- **Rappahannock River (Va) 2000-01**
- **Lake Ontario Study (2001-2005)**
- **Mississippi He 03 – present)**

ALTERNATIVE DISPUTE RESOLUTION SERIES

Pamphlets

89-ADR-P-1The Mini-Trial, April 1989

90-ADR-P-2 Non-Binding Arbitration

91-ADR-P-3 Mediation
91-ADR-P-4 Partnering
96-ADR-P-5 Overview of Alternative Dispute Resolution (ADR):A Handbook for Corps Managers, July 1996
95-ADR-P-6* Deciding Whether or Not to Partner Small Projects: A Guide for U.S. Army Corps of Engineers Managers
98-ADR-P-7 Partnering Guide for Civil Missions, April 1998

89-ADR-CS-1 Tenn Tom Construction, Inc., Aug 1989
89-ADR-CS-2 Granite Construction Co., Aug 1989
89-ADR-CS-3 Olson Mechanical and Heavy Rigging, Inc.,
89-ADR-CS-4 Bechtel National, Inc., Aug 1989

89-ADR-CS-5 Goodyear Tire and Rubber Co., Aug 1989
91-ADR-CS-6 Corps of Engineers Uses Mediation to Settle Hydropower Dispute
91-ADR-CS-7 Brutoco Engineering and Construction, Inc.
91-ADR-CS-8 Bassett Creek Water Management Commission
91-ADR-CS-9 General Roofing Company
94-ADR-CS-10* Small Projects Partnering: The Drayton Hall Stream-
Bank Protection Project Charleston County, South Carolina
94-ADR-CS-11 The J6 Partnering Case Study - (J6 Large Rocket Test Facility)
94-ADR-CS-12* Fort Drum Disputes Review Panel - A Case Study in the Alternative Dispute Resolution Series
97-ADR-CS-14 A Case Study in Dispute Resolution System Design: The Corps of Engineers Early Resolution Program (CEERP) for Allegations of Discrimination

Working and Research Papers

90-ADR-WP-1 ADR Round Table: U.S. Army Corps of Engineers(South Atlantic Div.,) Corporate Contractors, Law Firms

90-ADR-WP-2 Public Involvement; Conflict Management; and Dispute Resolution in Water Resourcesand Environmental Decision Making

90-ADR-WP-3 Getting to The Table

90-ADR-WP-4 Environmental Ends and Engineering Means: Becoming Environmental Engineers for the Nation and the World

94-ADR-WP-5* Partnership Councils: Building Successful Labor-Management Relationships, October 1994

96-ADR-WP-6 Conflict Resolution, Collaboration and Management In International Water Resource Issues, May 1996

96-ADR-WP-7 Public Participation in Designing Our Environmental Future May 1996

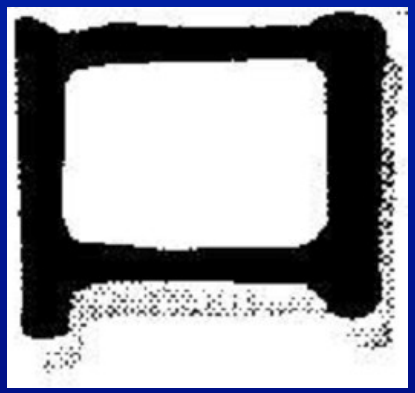
Working and Research papers (con.)

96-ADR-WP-8	Partnering, Consensus Building, and Alternative Dispute Resolution: Current Uses and Opportunities In The U.S. Army Corps of Engineers, May 1996
96-ADR-WP-9	An Organizational Assessment of the U.S. Army Corps of Engineers in Regard to Public Involvement Practices and Challenges, September 1996
82-R-1*	Public Involvement & Dispute Resolution: A reader on the first decade of experience at the Institute of Water Resources
98-R-5* (10-yr.reader)	Public Involvement and Dispute Resolution-VOL. II
89-ADR-R-1	Using ADR in The U.S. Army Corps of Engineers: A Framework for Decision-Making, August 1989
(Not Published)	Lessons: Selected Cases - Why Partnering Did Not Work?

Water management (and water reform) is ALWAYS political…..

Ancient Chinese Characters describing water management

+



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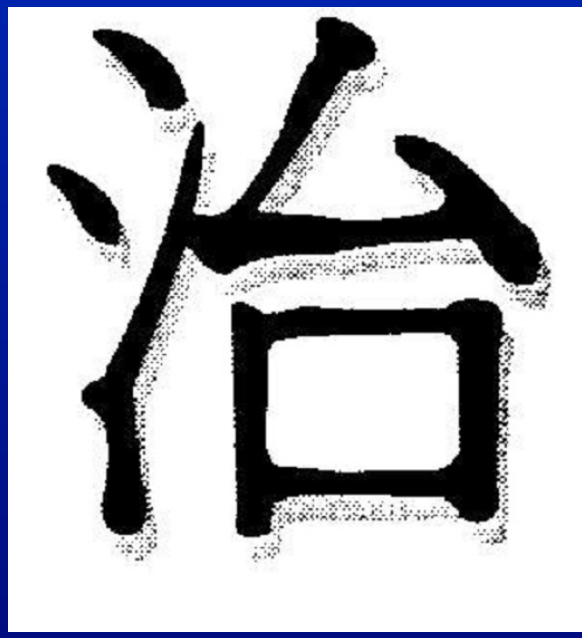
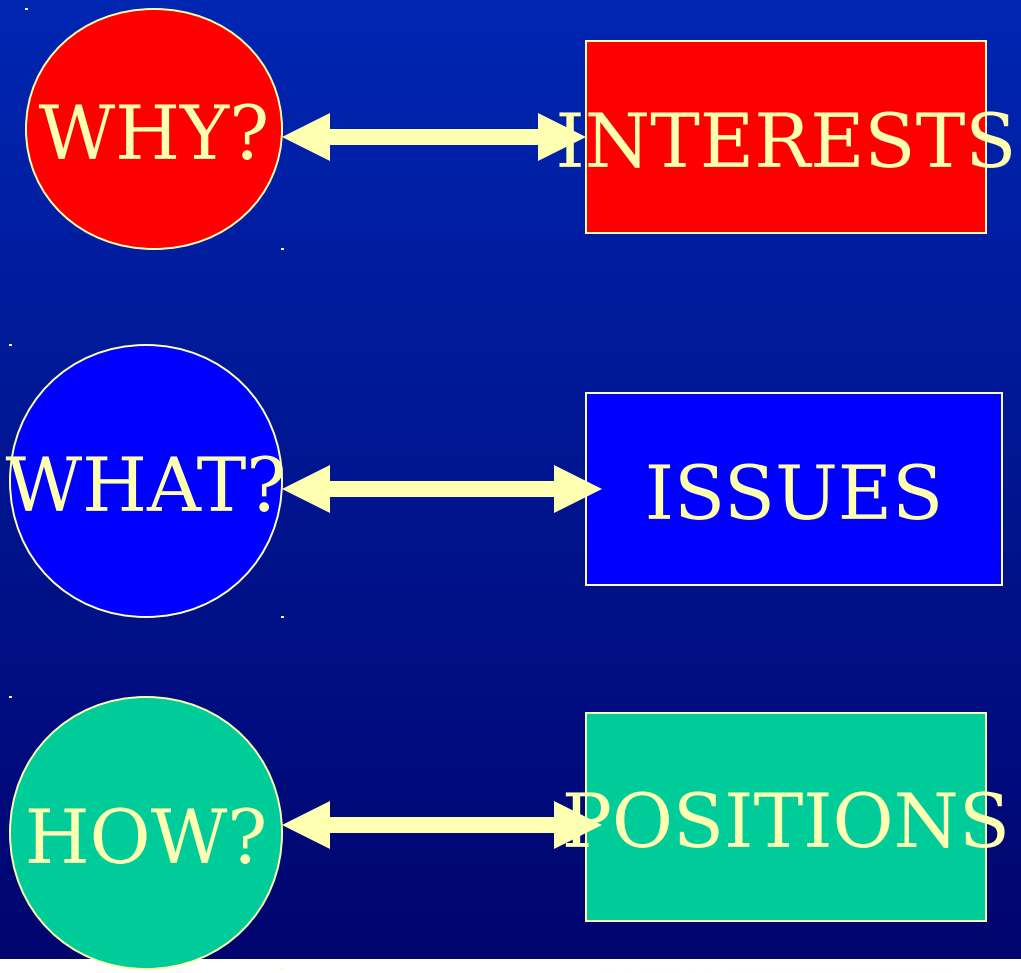


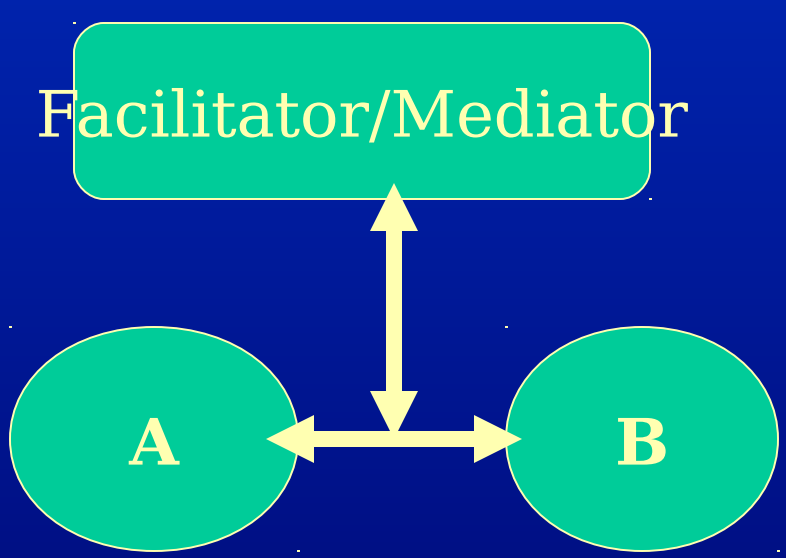
river + dike = Political

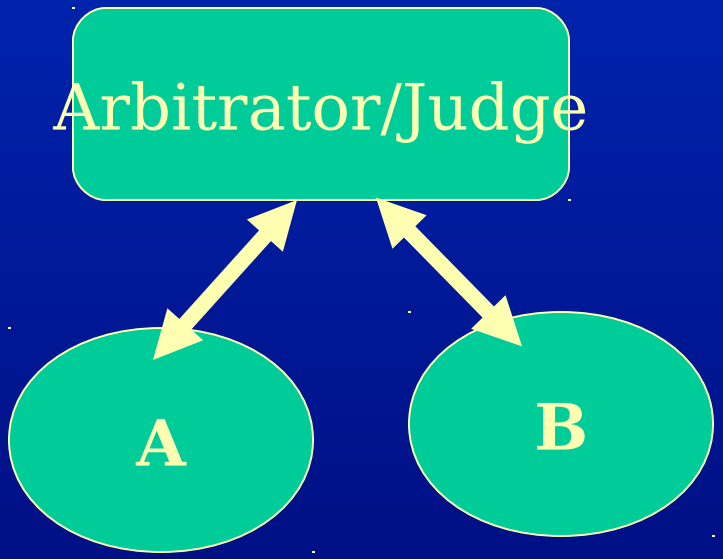
HOW –OVERVIEW OF TECHNIQUES

Language of Negotiations



Contrast Between Types of Interventions





Assisted Negotiations

Third Party Decision Maker

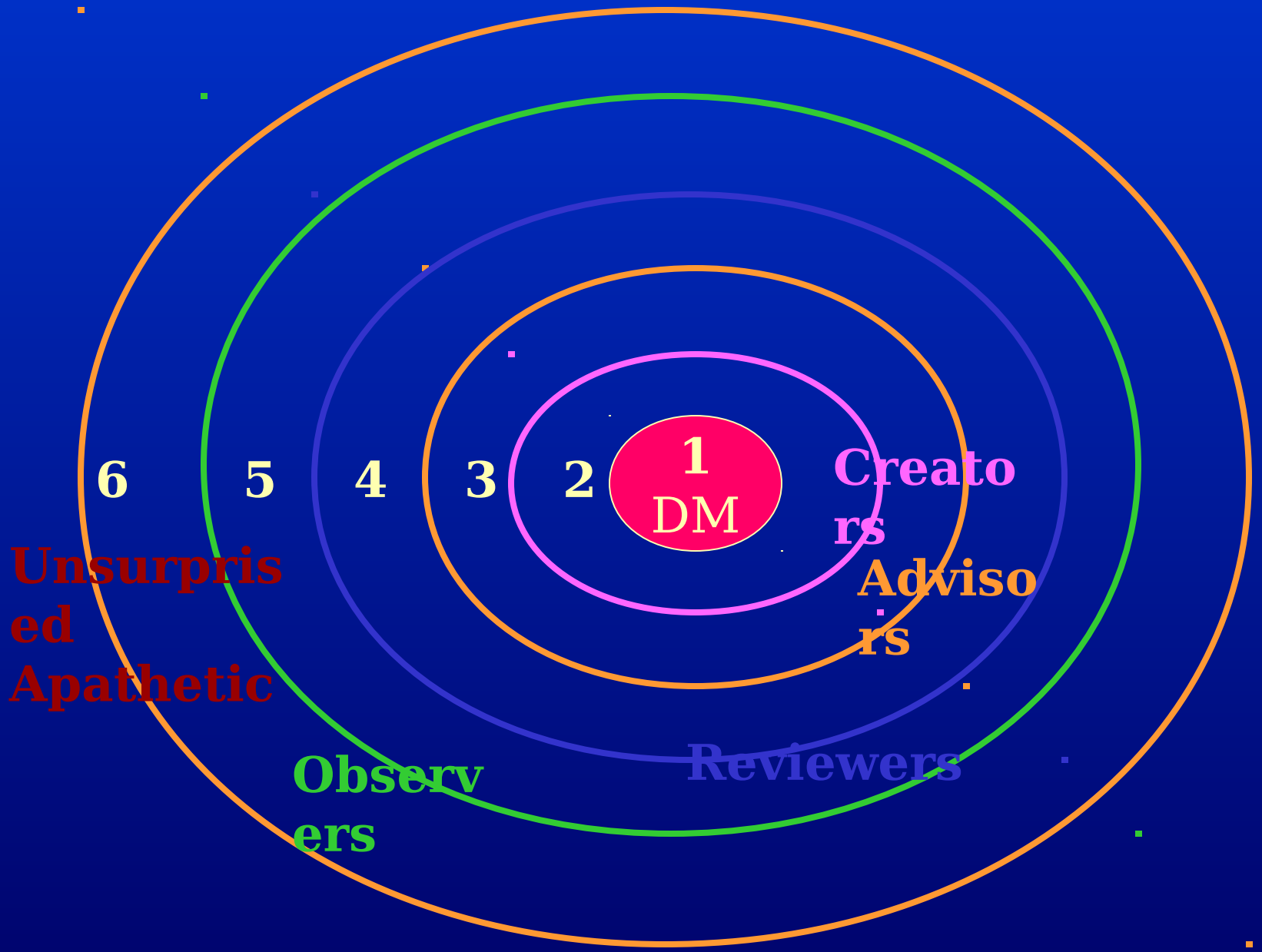
How – Specific Tools

WHO ARE THE STAKEHOLDERS?

Questions to Ask:

- Who might be affected?
- Who is responsible for what is intended?
- Who are representatives of the likely affected?
- Who will be actively against?
- Who can contribute resources?
- Who are the voiceless?
- Whose behavior will have to change?

Orbits of Stakeholder and Public Activity



DESIGNING WORKSHOPS AND MEETINGS

Some Joint Evaluation Tools

- Likert Scale uses:
  - Strongly Agree → Strongly Disagree
- Dot Democracy
  - Distribute Allotted dots anyway want
- Normative Guides: statements of evaluative criteria
  - develop and anonymously use statements of criteria to measure where the group is

Likert Scale Tools

Q. How do you fell about the following statements?

	SA	A	NO	D	SD
Statement 1	xx xx	XXXX XXXX	xx	xx	
Statement 2	xx	xx		XXXX XXXX	XXX
Statement 3	XXX	xx	xx	xx	XXX
Statement n	XXXXX				XXXXX

Agree that we agree

Agree that we disagree

No Pattern

Polarization

Some major uses:

Dublin, founding of the GWP, GWP Copenhagen

Dot Democracy

INSTRUCTIONS: *You have three dots, distribute them any why you like; all three on 1 or two on one a one on another, etc.*

Statement 1 xxxxxxx

Statement 2 xx

Statement 3 xxxxxxxxxx

Statement 4 xx

Statement 5 xxxxxxxxxxxxxxxxxxxxxxxx

Statement n x

Creating the Global Water Partnership GWP: Stockholm '96

x=Dev(12) x=Mulitlaterals(15) x=Bilaterals(14)
x=NGOS(7) x=other(13)

Q1. Concept of Creating a Partnership

SA	A	NO	D	SD
		(No strong Opinion)		
xxx	xxxxxxx	xxxxx		
	xxxxxxx	xxxxx	x	
x	xxxx	xx		
x	xxxxxxxx	xxx	xx	
xxxx	xxxxx	xxx	x	
x			x	

Q2. Management Report

xxxxxxxx	xx	xxxxxxx
xxxxxx		x
xxxx	x	x
xxxxxx	xx	x
xxxxxxxx	x	
xxx		

Creating the GWP: Stockholm '96

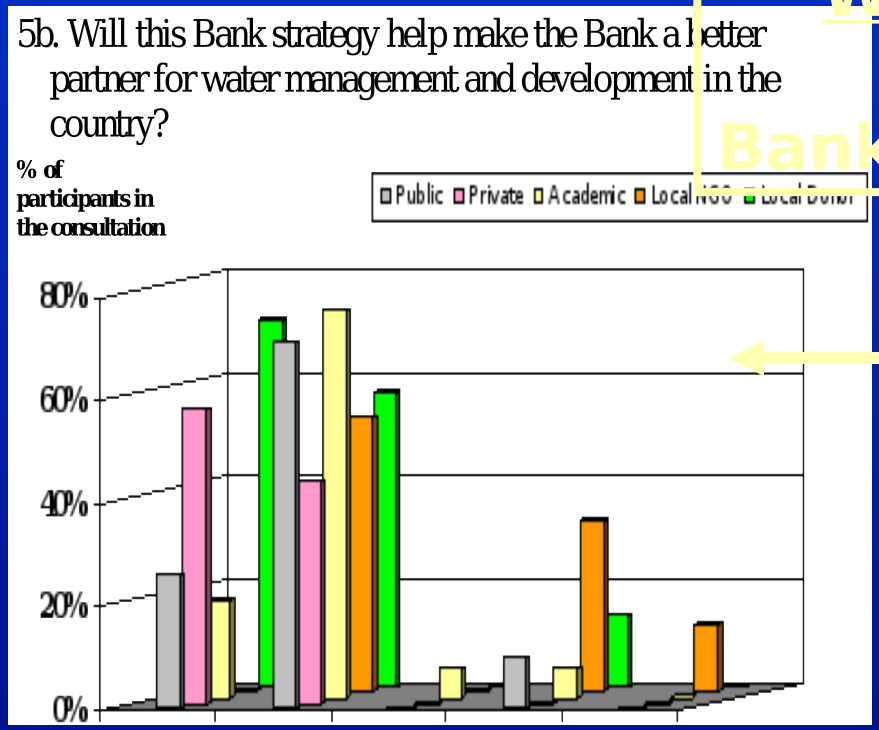
x=Dev(12) x=Mulitlaterals(15) x=Bilaterals(14) x=NGOS(7) x

Q3. Mission Statement

SA SD	A	NO	D
			(No strong Opinion)
xx	xxxx		x
xxxxx	xxxxxxxxxxx	x	
xxx	xx	x	
xx	xxxxxx	x	
xxx	xxxxxxx		

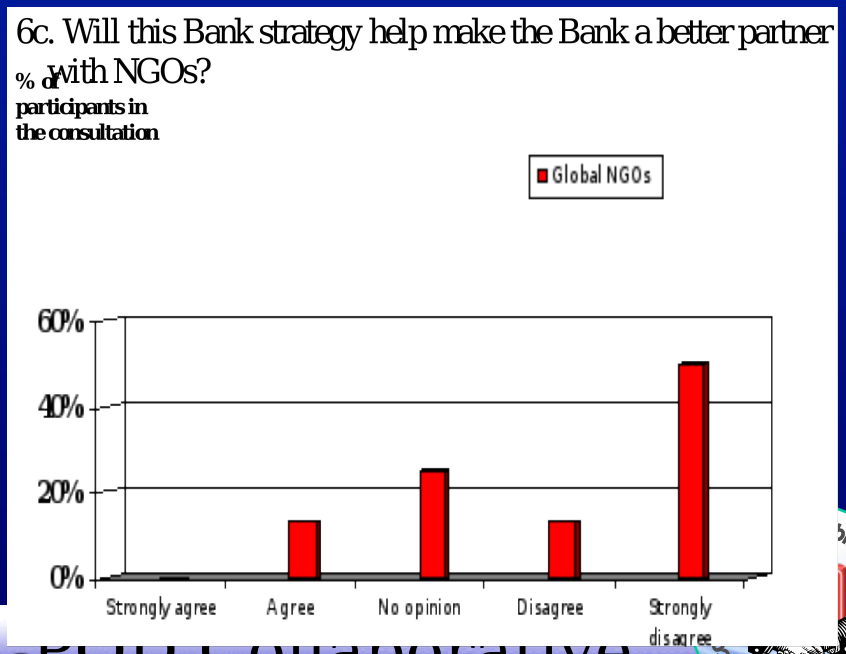
World Bank Sector Strategy Participatory Review

Bank asks, "Who are our clients?

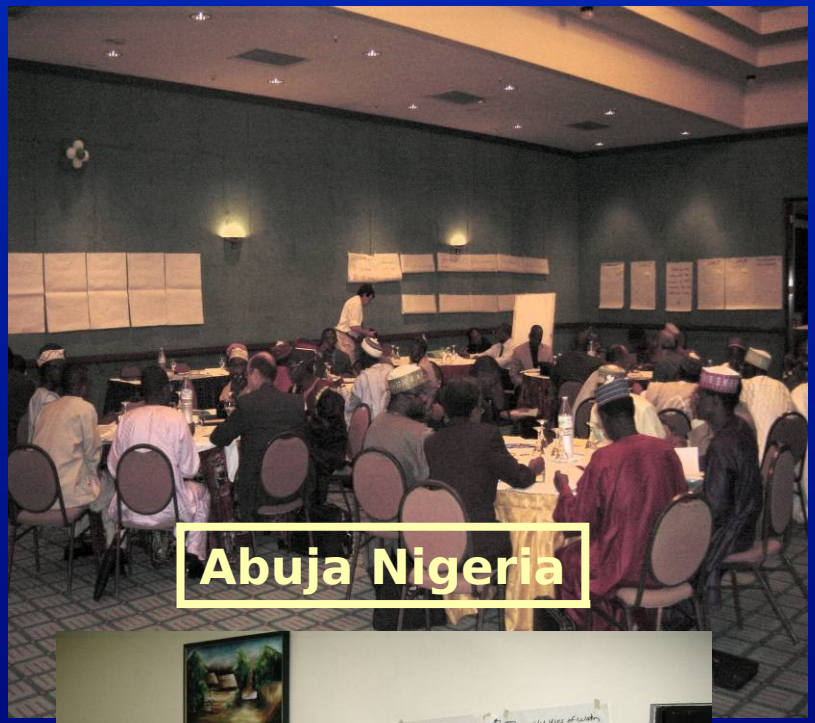


Local NGOs Strongly Agree With WB water sector strategy

Global NGOs Strongly Disagree With WB water sector strategy



Participatory Review of World Bank Water sector Strategy

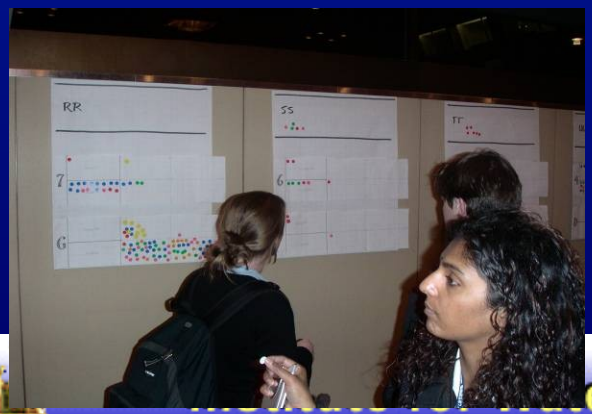


Participatory Review of World Bank Water sector Strategy

Kyoto WWF3: Ministers – NGOs – Participan

Mr Hashimoto – PM of Japan (rt.)

Two brainstorming sessions of 200 persons in 4 Languages



WWF4 Mexico City

UN NY WWF3 Prep com 2003

BOG Marseilles June 2008

Istanbul WWF5 Kick Off 2007

BOG Istanbul 2007

Building an Americas Dialog and For

Americas Forum -Itapúa and Iguassu Falls 200

MESSAGE OF FOZ DO IGUASSU

This message will be sent to the 5th World Water Forum from the participants in the Water Forum of the Americas in Iguassu Falls, Brazil. The Water Forum of the Americas was the culmination of the Americas Regional Process in preparation for the 5th Forum. The event included more than 250 people from different sectors of water management throughout the Americas. Participants included Ministers of State, Governors, Mayors, Parliamentarians, international organizations, academics, the private and public sectors, non-governmental organizations and river basin committees. Participants included the Ministers of Environment from Brazil and Turkey.

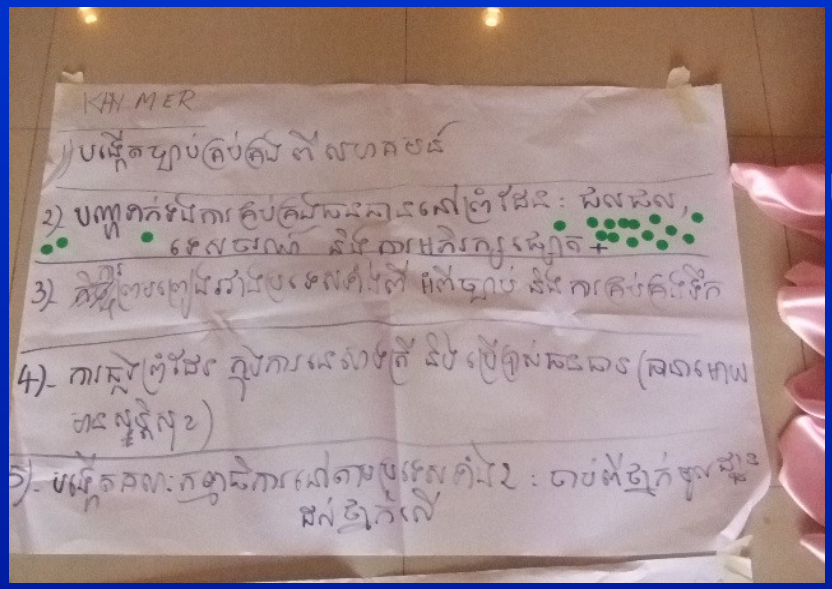
The following recommendations were produced during interactive sessions involving all the participants:

- Promote social inclusion and the eradication of poverty through universal access to water supply and sanitation as well as through the productive use of water, by means of the usage of hydroelectric power, irrigation for food production, transportation, tourism and recreation, within a sustainable development context.
- Institutional strengthening of management bodies and promotion of internal and external integration of water resources policies with other sectoral policies.
- Incorporate the principle of common but differentiated responsibilities in water resources management, and the need for technology transfer and additional financial resources, in particular in strategies to face climate change.
- Because of the transversality principle, water management must be at the core of public policy in all three phases: planning, implementation, and control.
- Within specificities of each region, one should consider the multiple use of water on an efficient and rational basis, incorporating environmental conservation, protection and reclamation as necessary actions toward the improvement of water availability.
- Water sustainability requires good regulation and economic incentives.
- Promote agreements on the management of transboundary aquifers and basins.
- Decentralized, participative and integrated management of water resources with local stakeholders and indigenous and traditional communities, taking into account a gender perspective.
- We need to promote cleaner production by making investments in applied research, technological development and capacity development.
- The challenge of water management in small islands (SIDS) and the wider Caribbean region must be recognized and receive special attention due to their vulnerability to global climate changes.
- Support capacity development to help cope with the impacts of climate change.
- Need to raise awareness about water with training and education for everybody at different socio-economic levels, connecting people with the basin where they interact.

Institute f

borative

Conflict Resolution & Public Participation
USACE



US AID WWF Pakse Laos – Thailand July 2009

USAID MRC Bangkok 2008

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FROM THE AMERICAN PEOPLE
MRC
UNESCO
United Nations Educational, Scientific and Cultural Organization
Oregon State UNIVERSITY OSU
Regional Training on Transboundary Waters Dispute Prevention and Management
Sukhothai Hotel
Bangkok, Thailand
May 29 – 30, 2008
30 . 05 . 2008 13 : 24

An example: National Listening Session

- Purpose of sessions was to get input on the following questions:
  - 1. What are the key water challenges facing our country (this region)? (These are needs that if not addressed will negatively impact our prosperity and quality of life, and environmental sustainability)
  - 2. Why is it a problem? What impact is the problem already having or is likely to have on our prosperity, QOL, and environmental sustainability?
  - 3. What actions should we take to respond to the challenge? What should be done about the problem?
  - 4. Who should take these actions? What should the Federal government do to help address the problem? What can you and your organizations do?
- Audience size variable: 50 – 500 (and no way to know for sure until the day of the event)
  - HQ wanted to use the same meeting format in each workshop

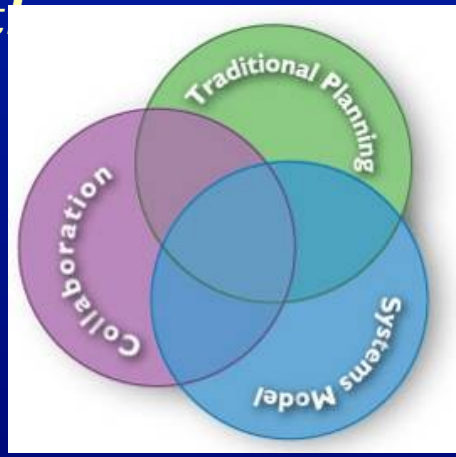
Principles of Consensus Building

- Use Process to Build Consensus
- Create a Commitment to Implement by participation in Decisions
- Accept the Legitimacy of Feelings
- Start by Defining the Problem Rather than Proposing Solutions or Taking Positions
- Focus on Interests
- Identify Numerous Alternatives
- Separate the Generation of Alternatives from their evaluation
- Agree on Principles or criteria to evaluate Alternatives
- Expect Agreements to go Through several Refinements
- Document Agreement to Reduce Risk of later Misunderstanding
- Agree on the Process by which Agreement can be Revised

Conflict Resolution & Public Participation Center of Expertise

- **Established by DCG Riley 17 October 20**
- **Leverages IWR's history of leadership in ADR & public participation including Shared Vision Planning**

- **Mission:**
  - ***Help Corps staff anticipate, prevent and manage water conflict, ensuring that the interest of t public are addressed in Corps decisions***
- **Five Areas of Focus**
  - **Training**
  - **Technical/Process Support to Field**
  - **Support to USACE-HQ (incl. nat'l & int'l interface)**
  - **Research**
  - **Information Exchange with the Field**



CPC – Five Areas of Focus

- **Training**
  - SVP Training at E&E Conference & elsewhere
  - Reviewing/refreshing PROSPECT courses
  - PITIP Training programs
  - Actions for Change Risk Comm/Public Participation course
- **Technical/Process Support to Field**
  - Stakeholder assessment at a Formerly Used Defense Site in Nebraska
  - Process support for Columbia River Basin treaty study
  - Shared Vision Planning support to Honolulu District,
  - IJC - Lake Ontario & Upper Great Lakes Studies
  - IDIQ contract for Districts to access Technical/Process Support (last minute facilitators/mediators to long-term support)

CPC – Five Areas of Focus

- **Research**
  - Technology & Environmental Conflict Resolution Workshop
  - CADRe 09 workshop – part of National Science & Technology Council interagency initiative
  - Pilot on Water supply 404 permitting with Western States Water Council - funded by cities.
  - Development of Performance Measures for Collaborative Modeling.
- **Information Exchange with the Field**
  - Update 1990's era ADR manuals
  - Shared Vision Planning primer, & process guide
  - Barriers to Collaborative Planning report
  - Brown bag lunch seminars

CPC – Five Areas of Focus

- **Support to USACE-HQ (incl. nat'l & int'l interface)**
  - Compile USACE's annual ECR report for CEQ
  - National Water Policy Dialogs
  - Training for Mekong River Comm. & Peru's Natl Water Authority
  - Americas Forum in Brazil, World Water Forums
  - Improve public involvement in Flood Risk Management (Actions for Change post Katrina)
  - Obama Open Government Initiative

For more information:

Hal.E.Cardwell@usace.army.mil, (703) 428-9071

www.iwr.usace.army.mil/cpc

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Conflict Resolution & Public Participation Center (CPC)
The Corps recognizes the value of and need for collaboration, partnering, and public participation in water resources decision making. To assist the Corps in implementing this collaborative approach, IWR has created a center of expertise on conflict resolution and public participation, the Conflict-resolution & Public-participation Center. CPC's mission is to help Corps staff anticipate, prevent, and manage water conflicts, ensuring that the interests of the public are addressed in Corps decision making. The center achieves this mission by developing and expanding the application of collaborative tools to improve water resources decision making.
Key Center tasks include training, research, and application of collaborative process techniques and modeling tools.
Collaborative process techniques include:
Collaborative process design (e.g. how to engage different stakeholders during different parts of the planning and decision-making process, meeting formats and structures)
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